

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

3 STABILITY TECHNOLOGY PARTNERS,
4 LLC,

5 Plaintiff

6 v.

7 AHERN RENTALS, INC.,

8 Defendant

Case No.: 2:23-cv-01763-APG-EJY

**Order (1) to Show Cause Why This Action
Should Not Be Dismissed for Lack of
Subject Matter Jurisdiction and (2)
Striking Certificate of Interested Parties**

9 Plaintiff Stability Technology Partners, LLC filed this action in this court based on
10 diversity jurisdiction. ECF No. 1. However, Stability does not identify the citizenship of each of
11 its members. *See Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir.
12 2006) (stating that “an LLC is a citizen of every state of which its owners/members are
13 citizens”). Additionally, Stability does not identify Ahern’s principal place of business. 28
14 U.S.C. § 1332(c)(1). I therefore cannot determine whether complete diversity exists. As the
15 party seeking to invoke this Court’s jurisdiction, Stability bears the burden of establishing that
16 jurisdiction exists. *See Naffe v. Frey*, 789 F.3d 1030, 1040 (9th Cir. 2015). Consequently, I order
17 Stability to show cause why this action should not be dismissed for lack of subject matter
18 jurisdiction.

19 Additionally, I strike Stability’s certificate of interested parties (ECF No. 2) because it
20 does not comply with Federal Rule of Civil Procedure 7.1(a)(2). The certificate does not identify
21 Stability’s citizenship as required by the amendment to that rule.

22 I THEREFORE ORDER plaintiff Stability Technology Partners, LLC to show cause why
23 this action should not be dismissed for lack of subject matter jurisdiction. Failure to respond to

1 this order by November 15, 2023 will result in dismissal without prejudice for lack of subject
2 matter jurisdiction.

3 I FURTHER ORDER that plaintiff Stability Technology Partners, LLC's certificate of
4 interested parties (ECF No. 2) is STRICKEN for failure to comply with Federal Rule of Civil
5 Procedure 7.1(a)(2). The plaintiff must file a proper certificate of interested parties by
6 November 15, 2023.

7 DATED this 1st day of November, 2023.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE